

TOWN OF ROCKPORT  
ANNUAL TOWN MEETING  
SEPTEMBER 13, 2021  
ROCKPORT HIGH SCHOOL AUDITORIUM

Registered Voters: 6093

Attendance: 239

Start Time: 6:05PM

Dissolved at: 8:11PM

The Fall Town Meeting commenced at 6:05pm.

The evening was started with the Pledge of Allegiance followed a moment of silence to honor the victims, and the family and friends of the September 11th attacks, following the 20<sup>th</sup> anniversary. We shall never forget.

The invocation was given by Reverend Matt Wigton of the First Baptist Church.

A motion was made, seconded, and passed by voice vote to omit the reading of the Articles.

The Town Moderator gave instructions and directives.

The Town Moderator announced related Articles: A – F.

The first article pulled for the lottery was the series: D (A-F), H & G

The Chair entertained a motion under Article A.

ARTICLE A

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**To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. (Board of Selectmen) (Requires 9/10 vote)**

Amount	From	Vendor
\$331.99	Ambulance Department – Medical Supplies	Public Safety Center
\$566.45	Fire Department – Vehicle Maintenance	Extreme Truck & Auto

\$64.02	Fire Department – Vehicle Maintenance	Cape Ann Auto Supplies
\$86.64	Treasurer – Office Supplies	Discount Rubber Stamps
\$351.00	DPW – Building Repair & Maintenance and Other Purchased Services	Wolf Hill Garden Center

**MOTION:**

MITCHELL VIEIRA FOR SELECTMEN CHAIR, DON CAMPBELL moves that the Town appropriate and transfer the sums set forth in the *Fall Town Meeting Voters Booklet* on page 6, all for the purpose of paying unpaid bills and adjustments from the previous fiscal year. (*Board of Selectmen and Finance Committee support this article*)

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded.

TOBY ARSENIAN, 95 GRANITE ST: Can you hear? These are bills which have been already incurred. I don't know that we can reasonably refuse to pay them since we have the goods and services. The finance committee it was made clear that \$351 going to Wolf Hill Garden is for loam. Why would we be buying loam when we have that enormous pile of compost said to be pure as the driven snow up at the dump? Will someone please explain. I'm tempted to vote against it but that's evil and would waste a counted vote, I won't do that but why would we be buying loam? Please explain.

BRUCE REED, PIGEON HILL ST, DPW COMMISSIONER: We don't have loam 365 days a year, days you don't have it. (.....break in recording) ... To be honest I don't know exactly what my guess is that the answer. It was done by the prior director. If we didn't have any and we needed it, he bought it.

MODERATOR: Alright. You have heard the motion. It requires a 9/10 vote so you will have 12 seconds. All those in favor press one, all those opposed, press two. Ready go.

138 in favor by electronic vote  
7 opposed by electronic vote  
36 in favor by hand count  
0 opposed by hand count

This motion carries all the people in the tent were in favor. I will declare a 9/10 majority. We move on to Article B.

**ARTICLE B**

**To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the May 15,**

**2021 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto. (Board of Selectmen) (Requires majority vote)**

MITCHELL VIEIRA FOR SELECTMEN VICE CHAIR ROSS BRACKETT moves that the Town amend the votes taken under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the May 15, 2021 Annual Town Meeting by transferring the sums set forth in the *Fall Town Meeting Voters Booklet* for Article B Motion on page 7 and in the amounts and for the purposes specified therein. *(majority vote) (Board of Selectmen and Finance Committee support this article)*

Amount	From	To
\$82,470.00	Temp Principal (GF)	Maturing Debt Principal LTD (GF)
\$12,448.00	Temp Interest (GF)	Maturing Debt Interest (GF)
\$43,100.00	Temp Loan Principal (Wtr)	Maturing Debt Principal LTD (Wtr)
\$19,694.00	Temp Loan Principal (Wtr)	Maturing Debt Interest (Wtr)
\$44,430.00	Temp Loan Principal (Swr)	Maturing Debt Principal LTD (Swr)
\$19,689.00	Temp Loan Principal (Swr)	Maturing Debt Interest (Swr)
\$75,000.00	Health Insurance	Legal Fees
\$8,350.00	Health Insurance	Police Purchase of Services
\$14,375.00	WWTP PH Improvements Capital Project	WWTP Master Capital Account

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded. Any discussion in here? Inside in here all those in favor press (.....break in audio).....

135 in favor by electronic vote  
11 opposed by electronic vote  
36 in favor by hand count  
2 opposed by hand count

MODERATOR: Ok, that motion carries. We move on to article C.

**ARTICLE C**

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**To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2,**

**Section 5(d)(ii) of the Code of By-Laws; or act on anything relative thereto.** *(Community Preservation Committee) (Requires majority vote)*

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that the Town hear and receive the report of the Community Preservation Committee. *(Board of Selectmen support this article)*

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded.

PHIL CROTTY, CPC CHAIR: Good evening, Chairman Campbell, Selectpersons, Town Moderator Visnick, Vice Chair of the Community Preservation Committee Erin Battistelli, and the members of the Community Preservation Committee, my wife Laurie and fellow Rockporters. My name is Philip Crotty and I am Chairman of the Rockport Community Preservation Committee. I would like to take a minute to tell you about the Massachusetts Community Preservation law. Our committee consists of nine members, five of our nine CPC members are mandated by law to be on the committee, to look after the interests of their home committee and seek funds for their projects and studies. One of our committee members must come from each of the following: Department of Public Works, Conservation Commission, Historical Commission, Housing Authority and Planning Board. I would say that in particular, members from the Conservation Commission, the DPW and the Housing Authority have been very successful in accessing Community Preservation funds for their committees. The moderator appoints the other 4 members at large who care for other town departments, committees and not-for-profit organizations. From the inception of the Community Preservation Act in 2003 until the present, the Community Preservation Program has contributed more than 11 million dollars to Rockport projects. I am pleased to tell you that the Millbrook Meadow bond was paid off this year leaving only the Rockport (\_\_\_\_\_ in audible) it comes from a 3% addition to your property tax bill plus a fluctuating match from the state. According to our treasurer Mel Michaels, this year we spent only 43.8% of our available funds. The matching funds from the State were 43.17%. Next year we expect a State match of 32% but it could be higher. Your Community Preservation Committee accepts applications to fund projects by the first Monday in February each year. The 2022 application and more information will be available on our town website. It is an easy application. We seek applications from town departments and town committees and town not-for-profit organizations. In that regard, we advertise on the town website, DPW sign, newspaper articles and social media. We typically receive 8 to 12 applications. There is usually \$700,000 available each year to fund the projects and the studies. We also maintain a \$500,000 reserve for lean years or for an extraordinary project. Last year was a COVID year, as you know, we received 9 applications totaling \$449,706. We approved 7 projects totaling \$476,200 after some upward adjustments. As we turn now to the individual projects for approval, I want to tell you that the Community Preservation Committee presently has just over \$775,000 in its coffers, including the reserve. We would be receptive to funding a very significant project for Rockport in 2022 one that will make a significant difference to our town. Now we will turn to the seven projects that will be before you for your vote.

MODERATOR: Thank you Phil.

PHIL CROTTY, CPC CHAIR: Mr. Moderator if there are questions on each project, there is a representative from each of the projects here that will answer them.

MODERATOR: Anybody have any questions? Toby.

TOBY ARSENIAN, 95 GRANITE ST: I guess I find fault with the report. In the course of the past year the Community Preservation Committee chose to spend \$9,950 out of their administrative funds to fund a study on the feasibility of docks, fuel docks, in the town. Weston and Sampson did that study. I have seen the study, 90 pages of which 9/10's is padding and the rest is a matter of opinion. After the study was done apparently some people wanted a further study and wanted that paid for out of Community Preservation (\_\_\_\_\_) inaudible).....fuel docks out of Community Preservation funds, the answer was no. I'm asking of town council, were you consulted on the first study that \$9,950 study? It simply does not make sense that it would be legal to spend money on a study of something the Community Preservation funds could not legally pay for. So, who found out at what point that couldn't spend Community Preservation funds on such a subject? I guess I have another bone to pick with the Community Preservation Committee, my glasses are about to fall off on the floor, yes here we are. Page 11, and I can get you the citation on it, its Section 5D 2 and then 1, and starting in the middle of the paragraph which is long and boring it says, "as part of its study the committee shall hold one annual public informational hearing or more at its discretion on needs possibilities and resources of the town regarding Community Preservation possibilities and resources, that's redundant, notice of which shall be posted publicly and published for each (\_\_\_\_\_) time gap @ 38:00) adequate. You could all curse me but here we go.

MODERATOR: Anybody else?

PHIL CROTTY, CPC CHAIR: Well addressing the last item first that the report wasn't on file, its my report, its my remarks I was working on it until this afternoon and it doesn't say, Toby, that you have to approve my remarks in advance or anything like that. It says that 'you will hear and receive' and I believe that's what you got. You heard it, you received it, you may not like it but that's the way it works. I was working on it like I said until this evening. As far as that business about an annual meeting or something of the Community Preservation Committee, well, that's not really accurate. The act itself, the Community Preservation Act, talks about that subject, and it talks about an annual meeting. No, it talks about a meeting. It means a meeting at the beginning of the time of the Community Preservation Act in 2003. It doesn't mean annually. The word annual appears in the Town By-Laws, but I don't believe the town By-Law can supersede state law in that regard. Maybe at some point the town Attorney can assist me on that one. On the other one, about the administrative funds, well here's the story on that one. According to state law and the Department of Revenue regulations the Community Preservation Committee has the right to what we call tap admin funds there's 5% of the total in the bank of community preservation funds can be used annually for administrative purposes. That includes studies. We've done a lot of studies years. And it's important to get the studies moving quickly. Toby would like you to think that every study should come before the meeting and be approved. Well, it takes time to get the study going and it's good business to get these studies going because an application for example, last year, the cultural District and the building study committee asked for an administrative grant in the same amount as Toby's referring to, \$9950 and there was no objection to study the old firehouse trust. Well, the study came in and it enabled the community preservation committee to advance further funds over \$10,000 to the Cultural District study of the old firehouse trust. And more importantly it enabled them to apply for state funds to assist their program. So it's important that the community preservation act, be allowed to continue with its use of administrative funds to fund small studies that lead to big things, like Millbrook Meadow. And its entirely in line with the statute itself, which I have in front of me, I can provide the citation if somebody wants it. And the Department of revenue regulations. Same thing. It's entirely appropriate and I have that citation as well in front of me.

MODERATOR: Anybody other than Toby want to speak?

FRANCES FLEMING, 12 PLEASANT ST: I will say that when I chaired the community preservation committee we did have a meeting and explained all of the different proposals we were bringing town meeting and the public could ask questions about it. But we did have that meeting. Each year.

ZENAS SEPPALA: 92 GRANITE ST: Sound like I'm heard pretty well through my own ears I hope you folks can hear me. Anyway, as Toby suggested, he brought this up to me a few days ago and I read the part of the bylaw and it's on page 9. And it says, "as part of its study the committee shall hold one annual public informational hearing or more at its discretion on needs possibility and resources of the town. Notice of which shall will be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation of the town". This afternoon or this morning I went into the town hall on a different matter and I asked the town administrator if we knew we had any of these hearings before, and he said frankly just didn't know. And I don't know either but it seems Mr. Arsenian and is right on the ball. That once a year at least you're supposed to have a hearing and if we are not having that state laws may require certain things but as long as a town bylaw is not in conflict with the state law and these bylaws are reviewed by the Atty. Gen. before they are approved. Those are legal requirements so I think Mr. Arsenian is right on the ball.

MODERATOR: Anybody that has not been heard? This is just to receive the report. Someone way in the back. Wherever you are if you could walk to a microphone and identify yourself, that would be great. Thank you. And get right up next to the microphone please.

LARRY STEPENUCK, 12 DOCK SQ: (break in audio.....)..... Toby Arsenian and referred to the amount of money \$9950. The vote for that of administrative use of money was part of a two-part vote. I was the only dissenting vote on a meeting between the Selectmen and the harbor advisory committee on that vote. I raised the issue that it would not be a proper use of community preservation funds. I was told at the time by the chairman of the community preservation fund who was also still a member of the harbor advisory committee at the time that it was covered already. But the way the question we voted on was formed, it included a second part. We voted on \$9950 to be used for a citing study, but also the committee empowered the harbor advisory committee, the joint committee vote, empowered the harbor advisory committee to come back with a larger request for funding, for design. Combining those is a clear violation of the letter and intent of community preservation funds. It was rolled over. At a later hearing of the community preservation committee, when they were reviewing this second part of this request, I asked if there was a town legal opinion already rendered on the appropriateness of the request. And I also said that as a private citizen I should not have to pay for that legal opinion it is required under the state statutes. I was told by the chairman I may have to hire my own lawyer to get a legal opinion. Now I can understand his desire for that but in all good conscience I don't want it to be left in the hands couple of people that both vote to asked for money, and vote for handing money out without a proper review and vetting. I will vote against this specific article to expand further study on the issue of the fuel dock. I will not vote against a CPC request for this year as long as it doesn't include any of those. Thank you very much.

ERIN BATTISTELLI, VICE CHAIRPERSON OF THE COMMUNITY PRESERVATION COMMITTEE: I just want to clarify that there seems to be this indication that we did not hold public meetings. And for the seven projects that are before you tonight, I want to assure you that we had a number of public meetings with all the project applicants, and then we would call them back and they would answer more questions. All

of those were public meetings, posted and anyone can attend all of those. So, that has always been the case. Thank you.

MODERATOR: Okay, you will all have time to ask specific questions about individual projects. This is to receive the report.

TOBY ARSENIAN: Point of order.

MODERATOR: I understand that there's no questions out in the tent. Point of order. Yes, please state your point of order.

TOBY ARSENIAN: I would like to get opinion from town Council on whether or not it was an appropriate use of community preservation funds.....(inaudible).

MODERATOR: That's correct. Anything else.

DARREN KLEIN, TOWN COUNCIL: I really don't know the exact expense you're talking about it was very hard to even hear the circumstances of what you're talking about. I can tell you that everything in the warrant each year and every expenditure is reviewed and discussed and if there is anything that would make it an improper expenditure of CPC funds we would always correct it or advise the town as such. So, I don't really remember every single conversation I had with the town over the last 12 months but if the question was asked, you know I do remember the issue coming up, and I recall this discussion but not all the specifics. But we would review everything within the warrant and if there was a question about an expenditure and they came to us we would tell them whether it was appropriate or not appropriate. And my understanding is that we did advise that it was appropriate. But I don't remember the conversation, if that is what you're asking.

MODERATOR: Okay, this is just to receive a report. All right, if you want to receive this report which you really already received your going to press one, and if you don't want to receive this report which you've already received, you're going to press two, starting now.

119 in favor by electronic vote  
39 opposed by electronic vote  
36 in favor by hand count  
1 opposed by hand count

155 in favor to 40 opposed. This motion carries. We move on to Article D.

\*\*(amended to add 4 yes votes by hand count and 0 no votes by hand count, from the lobby : Total vote count 159 yes to 40 no)

#### ARTICLE D

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**To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2021 estimated annual revenues for later spending for the respective purposes indicated:**

***First, a sum of money to be deposited in the Community Housing Reserve Account;***

***Second, a sum of money to be deposited in the Open Space/Recreation Reserve Account;***

***Third, a sum of money to be deposited in the Historic Preservation Reserve Account;  
or act on anything relative thereto. (Community Preservation Committee) (Requires majority vote)***

**First Motion:**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$70,000 be transferred from FY22 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Community Housing Reserve Account. *(Board of Selectmen and Finance Committee support this article)*

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded. Anybody want to discuss this first motion under D? Alright, all those in favor are going to press one, and opposed to going to press two, starting now.

159 in favor by electronic vote  
0 opposed by electronic vote  
40 in favor by hand count  
1 opposed by hand count

Obviously Article D passes and we will get you the final compilation in just one minute. We can move on to the second motion.

199 in favor to 1 opposed.

This motion carries.

**\*\***(amended to add 4 yes votes by hand count and 0 no votes by hand count, from the lobby : Total vote count 203 yes to 7 no)

**Second Motion:**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$70,000 be transferred from FY22 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Open Space/Recreation Reserve Account. *(majority vote) (Board of Selectmen and Finance Committee support this article)*

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded. Any discussion? All right no discussion. By the way the first vote was 199 to 1. Now we are ready to vote all those in favor press one, and opposed press two, starting now.

152 in favor by electronic vote  
4 opposed by electronic vote  
40 in favor by hand count



0 opposed by hand count

It would appear to me that this motion carries, we will get you the final numbers and we will move on in just a minute.

192 to 4 opposed

\*\*(amended to add 4 yes votes by hand count and 0 no votes by hand count, from the lobby : Total vote count 196 yes to 44 no)

**Third Motion:**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$70,000 be transferred from FY22 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Historic Preservation Reserve Account. *(majority vote) (Board of Selectmen and Finance Committee support this article)*

TOWN CLERK: Seconded

MODERATOR: Moved and seconded. Any discussion? None in here. All in favor press one and opposed press two, starting now.

163 in favor by electronic vote

8 opposed by electronic vote

40 in favor by hand count

0 opposed by hand count

MODERATOR: And that motion carried it to the numbers in a second. 203 to 8 – we move on to article E.

\*\*(amended to add 4 yes votes by hand count and 0 no votes by hand count, from the lobby : Total vote count 207 yes to 8 no)

ARTICLE E

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**To see if the Town will vote to appropriate and transfer from the Community Preservation Fund or by borrowing the following amounts for the respective purposes indicated:**

***First, \$200,000 to be placed in the Conservation Fund, to be administered by the Rockport Conservation Commission, to be used for purposes consistent with the Community Preservation Act;***

**First Motion:**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$200,000 be appropriated and transferred from the Community Preservation Undesignated Fund account to the Conservation Trust Fund, to be administered by the Rockport Conservation Commission, to be used for purposes consistent with the Community Preservation Act. *(Board of Selectmen and Finance Committee support this motion.)*

TOWN CLERK: Seconded.

MODERATOR: OK. You have heard the motion. Any discussion in here? And any discussion out there? Alright no discussion. All those in favor are going to press one, and opposed press two, starting now.

151 in favor by electronic vote  
14 opposed by electronic vote  
43 in favor by hand count  
01 opposed by hand count

MODERATOR: and that motion carried it to the numbers in a second. 190 yes to 15 no- we move on to the second motion under article E.

\*\*(amended to add 4 yes votes by hand count and 0 no votes by hand count, from the lobby : Total vote count 194 yes to 15 no)

***Second, \$86,431 as a grant to The First Congregational Church of Rockport, a nonprofit corporation duly organized under the law of Massachusetts, to be expended under the direction of the Board of Selectmen, working with the Community Preservation Committee, for the restoration, rehabilitation and preservation of the non-religious windows in the historic “Old Sloop” church at 12 School Street, Rockport;***

Second Motion:

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$86,431 be appropriated and transferred from the Community Preservation Community Undesignated account as a grant to the First Congregational Church of Rockport, a nonprofit corporation duly organized under the laws of the Commonwealth of Massachusetts, for the restoration, rehabilitation, and preservation of the non-religious windows and lead abatement in the historic “Old Sloop” church at 12 School Street, Rockport.

MODERATOR: Anybody to discuss? Alright, Toby.

TOBY ARSENIAN, 95 GRANITE ST: I’m prepared to vote for the irreligious windows not the sacrilegious windows. But I think we need a different sort of process for getting projects before the community preservation committee. This is a private outfit and we should be if possible be spending the money on town projects. Which is not to say that some of the private ones are not good and worthy, deserving. But just as we have the capital improvement planning committee to vet the towns needs going forward by five years that all the projects from different departments, we need something equivalent for the community preservation committee. Whether that would be the Board of Selectmen or the Finance Committee or the Capital Improvement Planning Committee, so that town departments submit all of their projects going out five years and somebody ranks and grades them as to which would go first on the basis of need also on the basis of how much funds we have available. As things now stand, it is whoever is most forward, ambitious or pushy however you want to see it. And it would be better if there were some rhyme and reason and order to and it would be better if we were spending the money on town projects. Which is not to say this is not a good one. Thank you.

MODERATOR: Anybody else?

ALAN MACMILLIN, 18 STORY ST: Thank you Mr. Moderator. Every so often, an issue like this comes up before town and there is those who argue separation of church state. I would like to point out for Toby that the clock in that church is town property not the property of the church. And it is a historic structure and this town has a historic district and I'm not a member of the search committee for the community preservation act but I can tell you that they do vet heavily, and have public meetings that people get invited to to offer their opinions. I am very much in favor of supporting this issue because it is town history and a part of who we all are. Thank you.

MODERATOR: Anybody else? Non-religious windows. So their apparently not holy.

TERRY CONNELLY, 9 ½ SEAGULL ST: The Community Preservation Act prohibits funding or general maintenance and I notice several of the proposals here call for the restoration, rehabilitation and preservation. And, so what I would like, what would be helpful if there could be given examples of what is general maintenance, or what is restoration? For example, things have a limited life span, so when my roof goes and I have to replace it, is that general maintenance or is that a restoration and rehabilitation. Thank you.

MODERATOR: And before we continue, I would like to recognize Senator Bruce Tarr, is in the back. And he is a fierce advocate for our community and we thank him for all that he does and for his attendance here this evening. Thank you Senator Tarr.

All right, anybody else want to discuss this. Yes. Come on down.

BILL ELWELL, 19 WALLACE RD: Can you hear me? Because I did not hear much of that and even with my hearing aid on its messing around so I am at a deficit, I am not even sure what I am responding to exactly. But, I think it's a valid question to identify the difference between restoration and maintenance and we should struggle with that as a community, and certainly the church does too. In this case, and I don't want to belabor this because I could very well, the façade of the church has lead paint. As you can imagine since 1805, and every time we paint the church we, well I shouldn't say every time, in recent years we have gone through all the proper department of public health recommendations, requirements rather for lead paint remediation. It's a big job. You may have seen the scaffolding covered with polyethylene and guys in Tyvek suits. Everything is contained. So this time around we've had it with that. It's just too expensive and too cumbersome. So what we want to do is remove the lead paint and obviously after that occurs we have to paint the church. So, that is the distinction in that particular line. Same goes for the windows. These are really old windows. We did I think our due diligence to find out what we could do to put new construction windows in vs. replacement windows vs replacement of just the sash. There are ramifications for both historic district ramifications and cost. We decided in the end that we should restore these windows which are historic but they have all lead paint on them. So it's the same argument for those there. Thank you.

MODERATOR: OK. You have heard the motion. And nobody in the tent is interested in speaking? So all those in favor are going to press one, and opposed press two, starting now.

148 in favor by electronic vote

22 opposed by electronic vote

39 in favor by hand count  
00 opposed by hand count

MODERATOR: and that motion carries, I will give you the precise numbers is just a moment.

187 yes to 22 no - we move on to the third motion.

\*\*(amended to add 2 yes votes by hand count and 1 no vote by hand count, from the lobby : Total vote count 189 yes to 23 no)

***Third, \$75,000 as a grant to Action, Inc., a nonprofit corporation duly organized under the laws of Massachusetts, for its Rental/Mortgage Assistance Program for the creation of community housing for Rockport residents, under the supervision of the Board of Selectmen;***

**Third Motion:**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$75,000 be appropriated and transferred from the Community Preservation Community Housing Reserve account as a grant to Action, Inc., a nonprofit organization duly organized under the laws of Massachusetts, for its Rental/Mortgage Assistance Program for the support, creation and preservation of community housing for Rockport residents, under the oversight of the Board of Selectmen. *(Board of Selectmen and Finance Committee support this motion.)*

TOWN CLERK: Seconded.

MODERATOR: Moved and Seconded. Looks like there is no discussion here. Oh, there is discussion.

FRANCES FLEMING, 12 PLEASANT ST: I don't know if anybody from Action is here, but I just wonder how much of this \$75,000 they actually do hand out to Rockporters. Have they done in the past, and will they with this amount?

MODERATOR: Sure ok. And you may speak even if you are not a Rockport Resident.

ALLISON LEX, ACTION INC: We have been operating this program since 2005 and we distribute all of the funds directly to Rockport residents and the administrative costs we cover from other funds from other funding sources. So all the \$75,000 would help Rockport residents with their housing.

MODERATOR: Thank you, by the way.

PHIL CROTTY, CPC CHAIR: Thank you Allison, you do a good job with the community. I'd like to explain what's on the board there now in the way of the photo. That has nothing to do with action Inc. It's the new housing that will be coming to Rockport in 2022. The category was affordable housing which is one of the four areas that we can support as I explained my introductory remarks. The community preservation committee was asked by Harborlight Partners which operates facilities in Rockport already to fund or help fund this project and assist them with a state grant which is as I also explained is what some of our community preservation money does. It helps everybody or applicants bootlegged into state systems to get real money to build projects. So this will be a 37 unit housing situation including I think five houses and the rest apartment units starting in 2022. And just for the record the community preservation

fund, your money has \$420,000 into the project and the rest, thanks to Senator Tarr, and others will come from State .

MODERATOR: OK. You have heard the motion. All those in favor are going to press one, and opposed press two, starting now.

161 in favor by electronic vote  
8 opposed by electronic vote  
39 in favor by hand count  
00 opposed by hand count

MODERATOR: and that motion carries, I will give you the precise numbers is just a moment.

200 yes to 8 no- we move on to the third motion.

\*\*(amended to add 4 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 204 yes to 8 no)

***Fourth, \$36,819 to be expended under the direction of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee and the Millbrook Meadow Committee, for the construction and installation of a handrail and lighting on the stairway up to the dam in Millbrook Meadow Park;***

**Fourth Motion:**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$36,819 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the direction of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee and the Millbrook Meadow Committee, for the creation, preservation, construction and installation of a handrail on the stairway up to the dam and lighting on the dam in Millbrook Meadow Park. *(Board of Selectmen and Finance Committee support this article.)*

TOWN CLERK: Seconded.

MODERATOR: Moved and Seconded. Yes in the back.

JANE BEDDUS, 23 KING ST: Can someone explain to me why on the warrant the words are different to the words in the motion? For instance on the warrant article that I got off the computer, town site, it's says 'handrail and lighting on the stairway up to the dam in Millbrook Park'. Then on the motion says 'handrail on the stairway up to the dam and lighting on the dam in Millbrook Meadow'. Why are there, what is the discrepancy, I don't understand.

THRU THE MODERATOR, DARREN KLEIN, TOWN COUNCIL, KP LAW: Its actually very common for the motions to not be worded exactly the same way as the article. The question for the moderator on every motion is, does it fall within the scope of the article? And that is 100% to the moderators discretion. In my opinion, this motion is clearly in the scope of the article but that is not my decision to make.

MODERATOR: And Kopelman and Paige has many different lawyers and he is an expert in this area, they call him the dam lawyer.

JANE BEDDUS: Is there any way that we can separate the installation of the handrail and lighting on the stairway and have another vote on the lighting on the actual dam?

MODERATOR: Thank you though. Was that your first question ever? Ok, in the back.

SHANNON MASON, 14 GRANITE ST: I am also Chair of the Millbrook Meadow committee. I just have a question about the motion in addition to the question presented. A portion of this application was to do masonry and stonework on the spillway itself as far as restoration goes. That wasn't specifically mentioned I just want to make sure that there isn't any conflict of it not being mentioned in the motion and then therefor be spent later on. It is a part of the other two aspects. Thank you.

MODERATOR: Anybody else? Toby.

TOBY ARSENIAN, 95 GRANITE ST: Some of us liked Millbrook Meadow better before all the improvements. It was a bit casual and ragged at the edges. It was old Rockport as opposed to new Rockport. There is no point in arguing about taste, beauty being in the eye of the beholder. But it is a certain fact that we spent \$1,200,000 on dredging the Mill Pond and all of the improvements, "improvements" in quotes, to Millbrook Meadow. That's more than we spent on any of the other community preservation projects with the exception of the community house. All of these improvements entail upkeep at some point at present the Millbrook Meadow has an eager a contingent, volunteers who undertake the work. Will that be true 10 years from now? There's no way of telling. It may all fall to the town, to the DPW. I also want to call your attention to the criteria for prioritizing projects. This is a document from the community preservation committee. I will read you the seventh and eighth ones. Which projects help a group that has not previously benefited? Compared to projects requested by groups which have received funding within the past five years. And the eighth standard, which projects have other funding sources that would let them go forward without CPC assistance? And that strikes me as the key one. A year ago when we were voting on the community preservation proposals we were offered a real clunker of a stone bench, 20 feet long for \$15,000 and we rejected it. We didn't offer to pay for it. And yet the bench is sitting there right now. There are two conclusions to be drawn from this. The first is that we don't need to pay for these improvements. If we decline to pay for them what will happen is the Millbrook Meadow Committee will confabulate with the Millbrook Meadow Conservancy, who I believe, funded the bench, and they'll go to the Board of Selectmen and say, see here, we will give you all of this money to do thus and such, and the Board of Selectmen will fall all over them in gratitude and say yes, yes, yes and will get whatever, without spending community preservation funds on it. Now that may appeal to you but it doesn't appeal to me. I think if the town meeting rejects something the proper course should be to bring it back to a town meeting and ask the town meeting would you accept this if we're not paying for. If some generous soul is going to give it to us. That was not what happened. But it's a model of what could happen if we decline to pay for this. You may get it whether or not you want it, we should not be spending community preservation funds on it.

MODERATOR: I just want to get somebody who hasn't spoken on this. Ok. Right there.

MAUREEN MCCATHY, 62 MARMION WAY: I own also 14 Breakwater Ave. I just wanted to make two comments about this. One, if I lived in that area I might be a little concerned about the lighting because if that disturbs the people so I just wanted say that. So I can't speak to the lighting one way or the other.

What I can speak to is a steep area that they have there. I've only been to the site a couple of times and as a civil engineer it was pretty shocking to me that they have this really steep ramp to go up there. And any young child or any elderly person or somebody whose kind of compromised relative to mobility would really have a difficult time going up there. So I don't know why it was designed this way but I do feel like we should have a proper walkway going up there with the handrails. I think it will add to the safety and the accessibility of the facility.

MODERATOR: Anybody else? Who has not spoken. Anyone who has not spoken. Ok. Ma'am.

SHANNON MASON, 14 GRANITE ST, CHAIR OF MILLBROOK MEADOW COMMITTEE: Thank you again Mr. Moderator. I guess I'd like to say the committee does work very hard in fundraising. The Conservancy has two campaigns a year that we raise approximately \$13-\$17,000 a year. But most of that covers maintenance costs in the meadow. We have a contractor that comes during the week that does work that our volunteers which we have, last year alone over 300 hours of volunteer time of work done, in the Meadow. So in addition to volunteer efforts, items that cannot be done by volunteer time, we do purchase that work. The town does not fund that out of the regular budget. That's something that the Conservancy does through an endowment fund that was established when this project was initiated. We certainly appreciate all previous efforts in securing that endowment and raising it. It's our intention that endowment be, go forward in good gratuity so that it does provide funding for maintenance costs not covered by the town budget as it has been. As far as if I could answer the question about the lighting this application is specifically for the portion of lighting that has to do with the electrical installation. The lighting fixtures themselves would be purchased through the Conservancy funds, in other words private donations. Those light fixtures which of which there would be six small ones on the spillway itself and five on every other column across the dam are all dark sky compliant, meaning that they have cast of illumination only downward and are covered fixtures. These are LED, low kelvin, meaning that the color temperature is low, not a bright white light but actually an amber light which is hospitable to wildlife and insects. So in addition to the type of fixture we're proposing having an astronomical timer installed as part of this. Which allows for longitudinal settings and the time zone to be set. So you can program in when you want fixtures to go on and it changes throughout the year and each season and has a hard cut off 11 o'clock at night. That's when our town regulations state that all parks and beaches close so it would be a hard cut off of 11 o'clock. There was lighting in the Millbrook Meadow previously. There was a single fixture right near the spillway dam that was on a pole, kind of a raised light that was removed when the dam was reconstructed in 2012. That light had always been there and frankly it was also illuminated all night long so we are trying to propose safety measures that are conscientious to the neighbors, have a cut off time and are such that not only the human neighbors but our wildlife friends and neighbors are also not disrupted from them. We feel that we are not illuminating a large area but a small portion of the pathway for safety reasons. Which is also the other reason for the handrail and the repointing of the masonry to resurface the structures. If I could make an additional comment about maintenance versus restoration. The spillway itself which is granite stones in between is concrete. It has been patched over the years a number of times, this would allow for a complete resurfacing. And without the community preservation funds I can't speak to whether the committee would vote to try and further pursue this project but it does represent a significant amount of our endowment. And we, you know.....

MODERATOR: That's five minutes. Thank you. Ok. Anybody else? You have heard the motion. All those in favor press one, all those opposed no. And start now.

142 in favor by electronic vote  
32 opposed by electronic vote  
40 in favor by hand count  
00 opposed by hand count

MODERATOR: Ok, this motion carries, I will get you the numbers in a second.

182 yes to 32 no - that motion carries – before we go on to the next one I remind you that its awful that we have to be wearing masks but they are only effective if they cover your nose and your mouth and but lets have a brisk meeting so we can get out into this fresh late summer air. Alright, here we go.

\*\*(amended to add 4 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 186 yes to 32 no)

***Fifth, \$30,000 to be expended under the direction of the Thacher & Straitsmouth Islands Town Committee, working with the Community Preservation Committee, for the creation, construction and installation of a solar panel system to provide energy for the lighting and alarm systems of the historic Thacher Island Buildings;***

Fifth Motion:

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$30,000 be appropriated and transferred from the Community Preservation Community Undesignated account and expended under the direction of the Thacher & Straitsmouth Islands Town Committee working with the Community Preservation Committee, for the creation, construction and installation of a solar panel system for preservation, rehabilitation and restoration purposes to provide energy for the lighting and alarm systems at the historic Thacher Island buildings. *(Board of Selectmen and Finance Committee support this motion.)*

TOWN CLERK: Seconded.

MODERATOR: Moved and Seconded. Any discussion? Any discussion out there. We are good. All right you have heard the motion. If you are in here, all those in favor press 1, opposed, press 2. Starting now.

160 in favor by electronic vote  
10 opposed by electronic vote  
39 in favor by hand count  
01 opposed by hand count

MODERATOR: Ok, this motion carries, I will get you the numbers in a second.

199 yes to 11 no – we move on to article 6.

\*\*(amended to add 4 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 203 yes to 11 no)



**Sixth, \$48,500 as a grant to the Sandy Bay Historical Society, Inc., a nonprofit corporation duly organized under the laws of the Commonwealth of Massachusetts, to be expended under the oversight of the Board of Selectmen working with the Community Preservation Committee, for the restoration, rehabilitation and historic preservation of the historic windows of the Sandy Bay Historical Society Museum Building, also known as the Sewall-Scripture House, at 40 King Street, Rockport, and, as may be necessary, to authorize the Board of Selectmen to accept a preservation restriction on said building in connection therewith;**

**Sixth Motion:**

MITCHEL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$26,950 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account and expended under the direction of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee and the Sandy Bay Historical Association, Inc., a nonprofit organization duly organized under the laws of Massachusetts, for the restoration, rehabilitation and preservation of the historic windows of the Sandy Bay Historical Society Museum Building, also known as the Sewall-Scripture House, at 40 King Street, Rockport. *(Board of Selectmen and Finance Committee support this motion.)*

TOWN CLERK: Seconded.

MODERATOR: Any discussion? Ok, you have heard the motion. All those in favor press 1 for yes, 2 for no. Starting now.

159 in favor by electronic vote  
3 opposed by electronic vote  
39 in favor by hand count  
00 opposed by hand count

MODERATOR: Ok, this motion carries, I will get you the numbers in a second.

198 yes to 3 no – we are moving on to article seventh article, and could it be, final CPC motion.

**\*\***(amended to add 4 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 202 yes to 3 no)

**Seventh, \$21,138 to be expended under the oversight of the Director of Public Works and DPW Commissioners, working with the Community Preservation Committee, for the restoration, rehabilitation and preservation of the American Legion Bandstand at Back Beach, including electrical safety upgrades;**

**Seventh Motion**

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$21,138 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account and expended under the direction of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee, for the restoration, rehabilitation and preservation of the historic American Legion Bandstand

at Back Beach, including electrical safety upgrades. *(Board of Selectmen and Finance Committee support this motion.)*

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded. Any discussion? Ok, all those in favor press 1, and opposed 2. Starting now. 159 to 2 in here. And we will get you the numbers in just a second.

159 in favor by electronic vote  
2 opposed by electronic vote  
38 in favor by hand count  
00 opposed by hand count

MODERATOR: Ok, this motion carries; I will get you the numbers in a second.

197 yes to 2 no – and now we move on to article F, right? So thank you very much Phil to you and your committee you do yeomen's work and we appreciate it. Thank you.

\*\*(amended to add 4 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 201 yes to 2 no)

#### ARTICLE F

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**To see if the Town will vote to raise and appropriate or appropriate by transfer from the available funds a sum of money to fund the cost items contained in the initial years of collective bargaining agreement between the Town of Rockport and the following union: MA coalition of Police Local 154 – Sergeants and Patrol Officers; with the agreement covering the term of July 1, 2021 through June 30, 2024; or act on anything relative thereto. *(Board of Selectmen) (Requires majority vote)***

#### MOTION

MITCHELL VIEIRA FOR SARAH WILKINSON, BOARD OF SELECTMEN moves that the Town approve and confirm the sum of \$31,256 for labor costs to fund the first year of the collective bargaining agreement between the Town of Rockport and MA Coalition of Police Local 154 – Sergeants and Patrol Officers. *(Board of Selectmen and Finance Committee support this article.)*

TOWN CLERK: Seconded.

MODERATOR: You have heard the motion, any questions? Any questions out there? Alright, all those in favor press 1, and opposed 2. Starting now. 149 to 16 here. And that motion carries in here. We will get you that number in just a second.

149 in favor by electronic vote  
16 opposed by electronic vote  
39 in favor by hand count  
00 opposed by hand count

188 to 16. Now we have two left I believe. H as in Hotel, will be followed by G as in Golf. And we believe there is no motion on golf.

\*\*(amended to add 4 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 192 yes to 16 no)

#### ARTICLE H

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**To see if the Town will request the Selectmen proceed with feasibility assessments for a Marine Fueling Station at Granite Pier.** *(Board of Selectmen Non-Binding Question) (Requires majority vote)*

#### MOTION

MITCHELL VIEIRA FOR HERMAN LILJA, BOARD OF SELECTMEN moves that the Town approve Article H as printed in the September 13, 2021 Town Meeting Warrant.

And to ensure that there is not confusion on a typographical error, and the summary in the book the warrant article itself reads as follows:

“to see if the town will request that the Selectmen proceed with feasibility, desirability, and cost implications for a marine fueling station in Rockport.” *(Board of Selectmen support this article.)*

TOWN CLERK: Seconded.

MODERATOR: Anybody want to discuss this this one.

HERMAN LILJA, BOARD OF SELECTMEN: Good evening. I am Herman Lilja. I am speaking to this to help with codifying the confusion that I think the reigns given the time that has lapsed since the article was first, or I should say from when the work was first done by the Army Corps of Engineers for the town of Rockport.

MODERATOR: Herm, can you speak a little louder?

HERMAN LILJA: Can you hear me now? It is right here. If you want to hold it in my face you can but. Ok. Can you hear me? Alright. So before the debate on article H begins to determine if the residents are willing to allow Selectmen to proceed with an assessments of the feasibility, desirability, and cost implications for a Marine fueling station in Rockport, I would like to provide clarification on several issues related to the topic. Much has been said to whether the town truly entered into an agreement with the Army Corps of Engineers through the state and in association with the dredging of harbors of Pigeon Cove and Rockport in 1986. The answer is yes. The board of selectmen voted, and approved, and signed an agreement March 6, 1986 and the state signed the agreement March 18, 1986. Some in question what obligations were assumed by the town as a result of this agreement. The agreement states in part a small navigation project providing for the dredging of entrance channels and anchorage areas and Rockport Harbor and pigeon Cove will be initiated following a prepayment of the local share of \$39,000. The town will also provide, maintain and operate without cost the United States, an adequate public landing with provisions for the sale of motor fuel, lubricants and potable water open and available to the use of all on equal terms. At the time of the board of Selectmen vote, town Council interpreted the agreement as

saying that the town does not have to have a pump there. Suppliers in the area could go on proper call within reasonable time to provide fuel and lubricants. Subsequently, that evening the board of selectmen voted 5-0 to approve and sign the agreement between the Commonwealth of Massachusetts and the town. If you were to accept the town Council's limited interpretation of the town's obligation, under the agreement, concerning the availability of Marine services, you would also have to accept the fact that the town has made essentially no progress since 1986 with regards to having the services readily available to the voting public, beyond the pump out services provided by the harbormasters. Clearly, the town has an obligation under the agreement to make all specified services known to the voting public and to provide access to those services in Rockport Harbor, at the Granite Company Pier or Pigeon Cove to all boaters who want or need those services. A final consideration for the attendees this evening, given that the town has essentially not provided the services specified in the agreement entered into, in large part to receive the engineering and cost-benefits of the Army Corps of Engineers and the US government, is what might be the response of the Army Corps of Engineers when the town seeks aid for dredging services in the future. Certainly the town would have difficulty dooming the entire cost of a similar future dredging projects that was estimated at \$1.185 million in 1986 without the financial assistance of the Army Corps of Engineers. As you listen to the following debate you should strongly consider supporting a final resolution to this outstanding obligation. It is often said that only a few will benefit from the services or that the services will mar the beauty of Rockport or they are not why I moved here. None of the statements address the fact that boating is a part of the image of Rockport. Even if you do not personally enjoy it. Boats and moorings, and an anchor off the beaches, or motoring or sailing in the distance are part of what makes Rockport satisfying, appealing and beautiful in the summer time even if it is not your source of enjoyment. Rockport is and will always remain Marine community. As most of you know a study on the suitability of three sites to include the Pigeon Cove Harbor Granite Company pier and Rockport Harbor permanent marine services were conducted, with CPC funds, by Weston Sampson a highly respected engineering group who's services are frequently used by the town. The study concluded that the Granite Company Pier was the most civil location for the services. A further study on the design, further study on the design of the facilities at Granite Pier, is required before final approval by the Board of Selectmen and the town residents. Action by the board of Selectmen waits your approval or your vote this evening. Please remember that we do have equipment to the state to provide the services whether on a permanent or as needed basis. A permanent site would appear to be preferable to on call services, given the possible traffic disruption that might result from the on call responses, as well as the fact that the safety concerns would be significantly reduced if hand carried fuel cans are used to refill tanks and boats were not part of the vehicle, side walk and dockside activities. Thank you. If you have any questions I would be glad to answer them.

MODERATOR, PATRICIA BROWN (STANDING IN FOR BOB VISNICK): Go ahead.

DENISE DONNELLY, 72 PIGEON HILL ST: Contrary to what you just heard, I for one enjoy boating. But I am vehemently opposed to this motion. Notwithstanding that a lot has changed in 1986. Maybe I should mention climate change and the acceleration of the rise in the ocean particularly in the Gulf of Maine which is happening faster than anywhere else. The Western and Sampson study shows that there were 235 boaters in the town of Rockport who do not now have access to fuel that excludes the Pigeon Cove Fishman's Cooperation which currently does have a fuel station in Pigeon Cove Harbor. Having served on the Board of Selectmen and on the CIPC I know that there are many efforts and initiatives and expenditures that are set aside because the town simply does not have the money; waste water treatment

capacity, road surface, just to name a few. To say nothing of Long Beach and addressing the issue of climate change in the town it seems to me a folly for the town to be spending money on something like this given the challenges that we face. Thank you.

MODERATOR, PATRICIA BROWN (STANDING IN FOR BOB VISNICK): Alan.

ALAN MACMILLAN, STORY STREET, ROCKPORT, PIGEON COVE: I would like to just add to what Denise just said. There are police officers, DPW workers, school teachers, and town employees who can't afford to live here in Rockport because of costs of doing business is so high, the cost of real estate is so high. And we are being asked to spend money, town money on a facility that will serve a very few people. The rest of us longingly look out there at the sea and maybe we would like to have a boat and maybe the out there but as Denise pointed out we can't afford it. I am voting no on this. Thank you.

MODERATOR, PATRICIA BROWN (STANDING IN FOR BOB VISNICK): There's someone in the back.

DIANE FINCH, 215 GRANITE ST: I'd like to support what Denise Donnelly has just said and what Alan McMillan has just said. And I'd also like to say that our town needs to be paying a lot more attention to climate issues. And we should be putting money into researching what should not be on a place like Granite Pier. Its not just sea level rise. When you have sea level rise plus a storm, plus a high tide you can't tell me that your to keep the gas spilling into the water. And in addition to that this is 2021. This is when we really understand climate science. Over 75% of Americans finally realize it's real. And this just sounds like such a backward way to go. For 245 boaters who within 10 years may actually be using electric motors. So I think it's time that we start looking to the future instead of some 1986 law that I actually hear most of what said but I think it's quite irrelevant given what we know now. Thank you.

JOHN THOMPSON, 4 RUTHERN WAY: I am the Chairman of the Granite Pier Committee. I was present for the study that was done by Weston and Sampson. It was done in April before all the floats were in at Granite Pier. And I would like to see that the motion has been changed from a fuel facility at Granite Pier and open it up for everywhere in Rockport. I personally am against a fuel station in Rockport. I know it would be convenient, it would be convenient for me and anybody that owns boats. I have purchased gasoline in Rockport when I was a lobstermen but that was sixty years ago and it was very convenient in town down on to Tuna wharf. And I personally think if we get into fuel it should be a private enterprise. I don't think the town should foot the bill. I think it would be many thousands of dollars and I think the ideal place probably would be the Cape Ann tool. I wasn't involved we've already spent almost \$10,000 of the towns money, of taxpayers money on a study and I don't know the questions that were given to Weston and Sampson, the company that did the study. I'm guessing they said on town on owned property. I personally think it should be a private enterprise and I really against any further spending of my money. Thank you.

DON CAMPBELL, CHAIRMAN OF THE BOARD OF SELECTMAN, 5 KING ST CT: Good evening everybody. I'm speaking as myself right now. I just want to be clear on this, this is not asking for any money. There's no money being spent right now. This only to see the feasibility of putting a station here. The first study that was done was a location study. The location study determined the granite pier seems to be the best the best spot for this. Now what were looking to do is just to see if we can further this. To the best of my knowledge and if theirs is anybody from the pigeon cove co-op who can clarify this, fuel is not available to the general public. Also the second part of this study is to determine the feasibility overall. What would happen to road infrastructure? What would happen to the tank system itself? That by the way the one

that is being looked at, that would be able to be removed if there was inclement weather. So to answer, I don't know who said it, there would be zero spillage into the harbor. Because the system would be able to be removed. That's the point of it. If this happens to change in some way then fine it morph but we have to look into this to see if this is even something that we can do. So there's no money on the table tonight. None. This is just you saying to us go ahead and see if there's a way can do it. And if we can't that's fine. But we are looking to see if we can further this again for the fourth time no money is involved. Thank you.

BILL LEE, SUMMER ST: To address just a couple parts of this whole thing. I am a member of the Pigeon Cove Fisherman's Cooperation. And as a member it is a requirement that you have a commercial fishing license. They do not allow them to sell recreational fuel there because there's a different tax structure. I do not benefit from any Marine fueling station I already own commercial license and I own a diesel boat but over the years I've seen my share of spillage. And one thing talking about global warming we have to remember part of global warming is when people spill pollutants into the ocean. And when you take a 5 gallon can and you start pouring into your boat in that tank overflows the rest of that funnel goes into the water and evaporates and in the middle of the night that evaporated gasoline go back to the water later that night and kill the marine life. Part of the problem with global warming is the improper use of hydrocarbon fuels, gasoline. So, if you people want to take and have things safer at granite pier you should have a Marine over there. Because the state of Massachusetts requires you to have a stage one vapor remover. Just like in your automobile, when it goes in the tank it recovers the vapors coming out of the tank and it goes back into the tank and not into the atmosphere where in the middle of the night it lands on the ocean and starts the cycle of global warming. So the other one that people talked about, the weather surging. If we are so concerned about the surge of this tank that would be installed properly to meet the requirements right now for height off the water, then we have to take one and a half million dollars worth of boats off the granite pier. Because that means every one of those boats are in danger, all the fishermen's gear are in danger, and all those bait coolers are in danger, and the low-lying houses are. There's a scare tactic, they tell you that there is going to be a big surge. Yes. There may be a big surge coming in some day, but if this thing is properly installed, exactly like the one in Pigeon Cove, and Pigeon Cove Harbor has flooded many times in the last 27 years, is that there is a fuel tank there and does anybody know of any spills? Because there has been no spills, there's never been an accident over there because it was properly installed, properly maintained and properly operated. It doesn't mean the town goes into the fuel business. If somebody wants to put it on town property the town can go into the agreement and lease it. Just like they lease other pieces of property. When the fuel bill comes in, a piece of it goes back to Rockport. In the end this will actually be a money generator to the town of Rockport. We have tennis courts at Long Beach you can't get to because of a one-way toll road. But we spend all that money for that very few people. With different parts of the old town recreational. We spend money town because its a general community. I support your project and I think the support of other projects. You've also got to remember that the town of Rockport, the state police, the United States Coast Guard, the Army Corps of Engineers has come into the harbors every single week in whats the one thing they did before they come to Rockport? They go to Gloucester and Newburyport and fuel up. You also can have governments agencies using this. Thatcher Island every Wednesday goes with the trailer down to granite pier to load it with 5 gallon cans for both their own boat use and the lawnmowers, etc. that are out on the island. See you got to remember that the vapor recovery system in this spillage is going to be drastically reduced. We haven't had an accident with a 5 gallon can rolling over in an SUV and starting a

fire but that day may come. But the important thing is it's properly done, it's actually a positive to the environment not a negative. Thank you very much.

MARK CURLEY, 8 OLD PENZANCE RD: I agree with all the prior speakers except for the last speaker. I am vigorously opposed the town entertaining any thoughts of the town constructing a fueling station in this area. There are a number of reasons sighted by prior speakers, climate change is an issue. My main concern is it will benefit few Rockport people, and will draw other people into this area to secure fuel. Come in to get their fuel out again. It going to be a very busy area. You'll be smelling fumes from the exhaust of their boats. And remember this, it's a very fragile area. Its pristine. No matter what the engineers come up with for safety and building, there's always a crack in everything. Nothing is guaranteed. We see so many problems world wide where there's spill or something ruptures or there's a gas line that blows and we didn't realize that happen. The O ring on the challenger went and it shouldn't of happened. I don't think that the town should spend any money to do a feasibility study. It's a slippery slope. Stay away from it. Thank you.

KATE WEBSTER, 83 GRANITE ST: Well, as you can tell the only area that actually being considered for a fuel station in Rockport is in fact granite pier, not other places. And wouldn't it be great if we can have a fuel station dropped somewhere safely in Rockport that would be convenient for everybody. It could be making money for somebody. It would be fabulous. The problem is that there isn't a place. Above all, granite pier is certainly not the place. Granite pier is totally full everywhere. And has no space for a gas station. The land is taken up completely with picnicking, sightseeing, parking, boat storage, recreational fishing, commercial fisherman storage, trailer storage, launching ramps and turning around areas, etc. The harbor is completely full to capacity with moorings, dinghy tie up, sorry, passenger pickup and drop off areas, commercial fisherman hoisting area for taking fish on and off the boats, for traveling in and out of the boat launch area and many other things. Kayak launching as well. There isn't any room to put the gas station and its infrastructure either in or out of the water on granite pier. And people who know granite pier best, know that. Actually just to speak to something somebody said earlier, we don't have an obligation to the state to provide gas in Rockport, if its not possible. And in fact since the state mandate of the granite pier is that it be maintained, for the purpose of preserving and maintaining said peer as a place of historic interest. A commercial gas station venture on granite pier is inappropriate. That's aside from all the environmental considerations. The granite pier committee charged by the town of Rockport state of Massachusetts with supervision and management of granite pier is against this proposition. The neighbors, of which I'm one, although I don't know them all, the ones that I know are also against the idea station on granite pier. Although that they said they would be open to persuasion, the harbormasters are against the idea of a human station. Why do we need to waste our time continuing on in this stressful direction of finding out information for something that we won't do. It's a waste our time. And it needs to stop now.

ASHLEY SHEDD, 71 GRANITE ST: I just want to second everything that Kate Webster just said. Specifically about the fact that the harbor there is filled with moorings. It's a difficult area too navigate. I am really unsure as to where a fueling station would even fit their, comfortably. And allow the people that do have moorings there to feel okay with additional boats weaving in and out of the area. And am also concerned a lot about the infrastructure, and lack thereof, that we have as a town to support additional trucks and trailers bringing their boats down to granite pier. Especially there's been multiple almost fatal accidents on Granite Street in the past several months. Having large trucks going in and out towards granite pier because we have a fueling station doesn't seem like and appropriate expenditure of the towns resources.

I am also a little bit unsure as to the comment that this it's not going to cost money because it already has cost \$10,000 from the community preservation committee fund to even locate a proper place for a fueling station. And that's not even taking into account a feasibility study. And in the document here it states that the fueling station and initial investment to get the fueling Marine fueling station built would be somewhere in the neighborhood of \$200,000-\$600,000 not taking into account the \$50,000 for design. I would also like to point out that we will already have a new structure being built in 2022 that's going to provide 37 additional units of housing to people and citizens of Rockport. So it would be great to see some of that money put into a traffic and planning study. So I am adamantly opposed a fueling station at granite pier. Thank you.

SYDNEY WEDMORE, 155 SOUTH ST: After listening to this, I don't understand this article at all. To see if the town will request that the Selectmen proceed with the feasibility, desirability and cost implications for a Marine fueling station. Does that mean that the Selectmen will do the feasibility the desirability and the cost implications? Or will they form a committee to deal with it or will they ask for funds to have a survey done? With all due respect to the Selectmen, I think to do a feasibility study is beyond their capacity. Anything is feasible if you throw enough money at it. As far as desirability, that's a very parochial point of view. Depends on whether you have a boat with an empty gas tank or you have no mooring in Rockport. And as far as cost implications that's the nubbin in with the town meeting needs to know before we can proceed with this. Thank you.

HERMAN LILJA, BOARD OF SELECTMEN: We have a very great tendency to conflate different points of view. And come up with a negative point of view. We also have a great capability of failing to remember what in fact the original article was before it was changed at a board of Selectmen meeting. It was to look at the feasibility of citing a Marine fueling station at the granite company pier. Not in Rockport. So unfortunately when you talk about the lack of sanity, so to speak of considering the siting of a fuel station in Rockport that is only because the wording got changed therefor the interpretation has changed. It was in fact originally for the citing at granite company pier. But number two, the money is available from the state to the tune of 80% of the cost. So when you then say that the money that is being spent for this is money that could be well spent for something else you're acting as if the money is available in the town coffers and were taking that money or people who are most interested in boating, I don't have a boat anymore, but that isn't the point. The point is that this is an obligation we once had and you have to think of it that way. It is a feasibility study, that's number two, and number three the funds are available from a state agency for 80% of it and probably there are grants elsewhere. So don't talk in terms of just the money being this focal point, it isn't. And the reason the interpretation is somewhat confused is because the wording was changed. Sorry. Thank you.

KEN NOVACK, 3 WEST WHARF RD: Hopefully, I can do this before my glasses fog up. A lot of my neighbors have been heard from and I have a different point of view. When you drive into our town you see a sign that welcomes you to Rockport and identifies us as a seaside community. And I actually think that it would be good for the town for us to have fueling that is available for not only residents but for visitors to our town. And so, I support it. I also think that in addition to being convenient it would improve safety. I think Billy made some really good points. I see a lot of people carrying around 5 gallon Jerry cans and sometimes they spill. I have concerns about fueling at granite pier. Nobody in town will be more directly affected than my wife and me, because as some of you know we live on the wharf directly across from the proposed site. So I'm not indifferent to it but all were being asked to do is to authorize and request a feasibility study. I've never really been that impressed by the slippery slope argument it usually is a straw man for



something that isn't before us and doesn't need to be. I have a lot of confidence of Selectmen could commission a proper study and I also have a lot of confidence that the DPW could do a good job in implementing what was done. So I encourage you even if you have concern about boating, or if you have concerns about granite pier, go forward with the feasibility study. Thank you very much.

ERIC HUTCHINS, 45 POOLES LANE: I just want to bring up one additional point that was touched on but I think it needs to be reemphasized because I think almost everyone in this room probably has had an experience driving to granite pier before. With the unsafety characteristics of the access way to granite pier. There is one thing about the existing use which creates a lot of problems but to facilitate and invite an elevated level of trailers driving down that road, we all know in this room how dangerous that is. How many people in this room have had to back up or do a full stop before, going down there? I've been a very high percentage of people. Very very unsafe independent of all the other issues. And I do not believe that one is in any form or way can it be rectified based on the slope and the structure of the road to granite pier. I do not think that there is any alternative after that issue. Thank you.

RAY CAHILL, 15 HAVEN AVE: Mr. Moderator, I would like to request that we move the vote.

MODERATOR: Just for future reference, you can't just shout out move the question. But now that we have had somebody that has actually moved the question, we will move the question. But I will not recognize people just shouting out. So that is a 2/3 vote. It is not debatable. And so in a moment you will be voting and what the vote means, a yes vote means we go directly into the substantive vote. And the no vote means we keep discussing this question, which by the way, is nonbinding. So all those in favor of going right to the vote, press one. Opposed press two, starting now.

134 in favor by electronic vote  
27 opposed by electronic vote  
31 in favor by hand count  
4 opposed by hand count

84% go right to the question. (165 to 31)

\*\*(amended to add 5 yes votes by hand count and 0 no vote by hand count, from the lobby : Total vote count 170 yes to 31 no)

Are you prepared to vote for Article H? Here we are. The motion is "to see if the town will request the Selectmen proceed with the feasibility assessment for a Marine fueling station". If you are in favor, you are going to press one. If you are opposed, you are going to press two, starting now.

57 in favor by electronic vote  
114 opposed by electronic vote  
20 in favor by hand count  
21 opposed by hand count

Looks like that did not carry but I want to get numbers. 77 in favor to 135 against.  
That motion does not carry.

So the chair will entertain a motion under article G is there a motion?

## ARTICLE G

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**To see if the Town will vote for the creation of an independent fire district, under G.L. c. 48, §60 et seq. The bounds of such district to be geographically coterminous with the entire Town of Rockport. The District to take effect at the start of the next fiscal year and be funded at such levels and from such sources as the Town Meeting deems appropriate. Said district to be governed by an independently elected prudential committee. *(Citizen Petition) (Requires majority vote)***

NO MOTION

MITCHELL VIEIRA, TOWN ADMINISTRATOR: Mr. Moderator there is no motion as advised by.

MODERATOR: There is no motion under Article G. Is there anything else on the agenda? No. The chair will enter a motion to dissolve the meeting.

TOWN CLERK: Seconded.

MODERATOR: Moved and seconded. All those in favor say I. Opposed say no. Motion carries. Thank you very much.

The Fall Town Meeting dissolved at 8:11PM.

**Respectfully submitted,  
Melanie J. Waddell  
Assistant Town Clerk**